

SUMMARY OF PROPOSED COMMITTEE DRAFT

BILL 67 (2013)

**RELATING TO PUBLICATION DISPENSING RACKS AND
PUBLICATION DISPENSING RACK ENCLOSURES IN WAIKIKI**

PROPOSED CD1:

- A. Adds a repeal of Section 16 of Ordinance 02-10 relating to the effective date and implementation of uncoded Part II of Ordinance 02-10.
- B. Makes technical and non-substantive amendments.



A BILL FOR AN ORDINANCE

PROPOSED

RELATING TO PUBLICATION DISPENSING RACKS AND PUBLICATION
DISPENSING RACK ENCLOSURES IN WAIKIKI.

BE IT ORDAINED by the People of the City and County of Honolulu:

SECTION 1. The purpose of this ordinance is to update the ordinance provisions relating to publication dispensing racks and publication dispensing rack enclosures within the Waikiki special district.

SECTION 2. Section 16 of Ordinance 02-10 relating to the effective date and implementation of uncodified Part II of Ordinance 02-10 is hereby repealed.

SECTION 3. Section 29-11.3, Revised Ordinances of Honolulu 1990, as amended, is amended to read as follows:

"Sec. 29-11.3 Location and installation of publication dispensing rack enclosures.

[(a)] Publication dispensing rack enclosures shall be permitted at locations designated by the director in the Waikiki special district. Until such time as the director has designated the locations, and notwithstanding subsection (d), the enclosures shall be permitted at those locations designated in Chapter 29, Articles 11 and 15, as they existed the day before March 28, 2002.

(b)[(a)] [A minimum of] Each designated location must include at least one [twelve-inch publication] dispensing rack enclosure [and one] for both twelve-inch and twenty-four-inch [publication dispensing rack enclosure shall be at each designated location.] inserts or at least one separate enclosure for each size of insert.

[(c)](b) The city [shall have installed or] shall install[, within six months of March 28, 2002, a minimum of 93] publication dispensing rack enclosures [with a minimum of 1,400 publication dispensing rack spaces] within the Waikiki special district[. At least 21 of the enclosures and 500 of the spaces shall be installed, or have been installed,] including on the sidewalk of Kalakaua Avenue[.], as needed to meet demand. The department, by rule, shall set the number and locations of publication dispensing rack enclosures and spaces provided in this subsection for both the Waikiki special district and for Kalakaua Avenue sidewalks.

[(d)](c)(1) The design, dimensions, placement, materials and orientation of each publication dispensing rack enclosure shall be determined by the director



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or the appropriate city agency and shall be based on compliance with the Americans with Disabilities Act (ADA), Chapter 21 (the Land Use Ordinance), and Chapter 15 (the Traffic Code). Standards prescribed by the director or appropriate city agency may differ for the various publication dispensing rack enclosures.

- (2) Sound traffic engineering principles and pedestrian safety factors should be considered in determining the exact dimensions and placement of each enclosure. The director or appropriate city agency should also adhere to the department of transportation services' guidelines for the placement of obstructions in sidewalk areas, and any revisions thereto, to the extent practicable."

SECTION 4. Section 29-11.6, Revised Ordinances of Honolulu 1990, as amended ("Publication dispensing rack space permits"), is amended by amending subsection (h) to read as follows:

"(h) The director, by rule, shall establish the fee based on the city's cost of cleaning, maintaining and repairing the publication dispensing rack enclosures. Until such time as the director establishes a new fee, the [There shall be a] permit fee [of] is \$108 per triennium for each publication dispensing rack space allocated for a publication.

- (1) No refund of fees shall be made if the publication abandons or surrenders a space.
- (2) Fees for permits for spaces reallocated under subsection (c)(2) shall be prorated for the remainder of the three-year permit period.
- (3) All fees shall be paid after the allocation of spaces pursuant to subsection (c)(1), or the reallocation of spaces pursuant to subsection (c)(2), but before issuance of the permit. When one applicant has submitted applications on behalf of a number of publications the applicant shall pay the permit fees for all spaces allocated or reallocated for all of the publications before a permit may be issued for any of the publications.
- (4) A permit shall not be issued to an applicant, or for a publication, which fails to pay the applicable permit fee for all spaces allocated or reallocated to the applicant for the publication. All of the publication dispensing rack spaces that would have been included in the permit for the publication for



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which payment is not made shall be deemed unallocated and available to be reallocated pursuant to subsection (c)(2)."

SECTION 5. Section 29-11.9, Revised Ordinances of Honolulu 1990, as amended, is amended to read as follows:

"Sec. 29-11.9 Installation, maintenance, and repair of publication dispensing enclosures, spaces and inserts.

- (a) It shall be the responsibility of the city to install, maintain and repair the publication dispensing rack enclosures, either directly, by contract with a private contractor or through a special improvement district. Any cost for the installation, maintenance and repair of the enclosure shall be borne by the city.
- (b) It shall be the responsibility of the permittee to maintain any publication dispensing rack space for which it holds a permit. Any cost to maintain the space shall be borne by the permittee.
- (c) It shall be the responsibility of the permittee to maintain in good operating order and repair any publication dispensing rack insert inserted into a space in a publication dispensing rack enclosure.
- (d) Failure of a permittee to comply with either subsection (b) or (c) constitutes grounds for the suspension or revocation of the permit."

SECTION 6. Section 29-11.10, Revised Ordinances of Honolulu 1990, as amended ("Temporary dislocations"), is amended by amending subsection (a) to read as follows:

- "(a) The director may direct a permittee to remove copies of the permitted publication and the permittee's publication dispensing rack insert from a publication dispensing rack enclosure temporarily during any public, private or utility construction work, conducted on the public sidewalk, the abutting roadway, an adjacent building or structure or to any utility, when the director determines that the removal is necessary in the interest of public safety[.] or to facilitate the construction work."

SECTION 7. Ordinance material to be repealed is bracketed. New material is underscored. When revising, compiling or printing this ordinance for inclusion in the Revised Ordinances of Honolulu, the revisor of ordinances need not include the brackets, the bracketed material or the underscoring.



CITY COUNCIL

CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

ORDINANCE _____

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SECTION 8. Until the Director of Customer Services has adopted rules designating the locations where publication dispensing enclosures will be located in the Waikiki special district pursuant to this ordinance, the current enclosures shall be permitted to remain at their current locations. The Director of Customer Services shall adopt rules relating to the number and locations of publication dispensing rack enclosures in the Waikiki special district no later than 180 days following the approval of this ordinance.



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SECTION 9. This ordinance takes effect 180 days following its approval.

INTRODUCED BY:

Stanley Chang

DATE OF INTRODUCTION:

November 7, 2013
Honolulu, Hawaii

Councilmembers

APPROVED AS TO FORM AND LEGALITY:

Deputy Corporation Counsel

APPROVED this _____ day of _____, 20____.

KIRK CALDWELL, Mayor
City and County of Honolulu